

Chapter HSS 208

**WISCONSIN EMPLOYMENT OPPORTUNITIES
PROGRAM FOR AFDC RECIPIENTS**

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HSS 208.01 Introduction. (1) **AUTHORITY AND PURPOSE.** This chapter is adopted by the department under the authority of s. 49.50 (7) (a), Stats., to implement the work incentive demonstration program under 42 USC 646 and s. 49.50 (7), Stats. The chapter prescribes procedures for the administration of the Wisconsin employment opportunities program (WEOP) the purpose of which is to assist AFDC recipients to obtain gainful employment, and requires income maintenance agencies to withhold aid payments to persons who fail to meet applicable requirements of the program.

(2) **APPLICABILITY.** This chapter applies to AFDC recipients, to all county and tribal agencies authorized to administer AFDC and to any agency or organization under contract to the department to deliver WEOP employment and training services to AFDC recipients.

(3) **DEFINITIONS.** In this chapter:

(a) "Adjudication" means the process used to give a registrant a chance to present his or her case regarding the registrant's failure to participate in WEOP and to provide WEOP agency staff with an opportunity to clarify program policy and expectations and to determine whether good cause exists for the registrant's failure to participate.

(b) "AFDC" means aid to families with dependent children, a public assistance program authorized under ss. 49.19 to 49.41, Stats., in accordance with Title IV-A of the Social Security Act of 1935, as amended.

(c) "AFDC group" means those persons who meet the nonfinancial criteria for AFDC eligibility and whose financial eligibility for AFDC is being determined together.

(d) "AFDC-U" means an AFDC group where the child or children are deprived of parental support because the principal wage earner in the group is unemployed.

(e) "Department" means the Wisconsin department of health and social services.

(f) "Enrollment" means the act whereby a registrant signs up for WEOP at a WEOP agency.

(g) "Income maintenance agency" means the county department of social services agency, a public welfare or human services agency, or a tribal agency which administers the income maintenance programs.

(h) "Primary person" means the person whose name is listed first on the application form as the person applying for AFDC.

(i) "Principal wage earner" means the parent in an AFDC group, when both parents live in the home, who earned the most income during the 24-month period immediately preceding the month for which aid is granted and who meets the requirements under 45 CFR 233.100 for past and current unemployment.

(j) "Recipient" means a recipient of AFDC.

(k) "Registrant" means a recipient registered for WEOP.

(l) "Supportive service" means a service such as child care that enables a registrant to participate in WEOP job search or training.

(m) "WEOP" means the Wisconsin employment opportunities program established under s. 445 of 42 USC 645 and s. 49.50 (7), Stats., as a WIN demonstration program for the purpose of assisting AFDC recipients to obtain gainful employment and develop marketable work skills.

(n) "WEOP agency" means a public or private organization having a contract with the department to provide WEOP employment and training services to AFDC recipients referred to the agency by income maintenance agencies.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

HSS 208.02 Registration. (1) Recipients who are not exempt under s. HSS 201.19 shall register for WEOP as a condition of eligibility for AFDC. Exempt recipients may volunteer for and be registered for WEOP.

(2) To register for WEOP, a recipient shall sign the WEOP registration form and the signature of the recipient on the form indicates understanding of the requirements of WEOP, his or her WEOP status and the consequences of refusing to participate in the program. The registrant's WEOP status shall be determined in accordance with one of the following:

(a) Exempt status signifies that the registrant is not required to participate in WEOP for reasons specified under s. HSS 201.19;

(b) Mandatory status indicates that a registrant does not meet an exemption under s. HSS 201.19; or

(c) Voluntary status signifies that this registrant has chosen to participate even though he or she qualifies for an exemption under s. HSS 201.19.

(3) The income maintenance agency worker shall sign the registration form and identify the case status as AFDC-unemployed parent, AFDC-regular or maternity care.

(4) The income maintenance agency shall give a copy of the registration form to the recipient along with a statement of the recipient's rights and responsibilities in WEOP.

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(5) The income maintenance agency shall send a copy of the registration form to the WEOP agency.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

HSS 208.03 Referral to WEOP agency. Income maintenance agencies shall refer registrants to WEOP agencies as follows:

(1) AFDC recipients who have a mandatory or voluntary WEOP status shall be referred for employment and training services;

(2) The WEOP agency shall be provided with the registrant's name and other information pertinent to the registrant's participation taken from the income maintenance agency's application form; and

(3) The registrant shall be notified in writing of his or her referral.

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HSS 208.04 Enrollment. (1) The WEOP enrollment procedure shall be as follows:

(a) The WEOP agency shall send a written notice of appointment for enrollment to the registrant at least 5 working days before the date of the appointment;

(b) The notification shall clearly state that it is the registrant's responsibility to contact the WEOP agency before the scheduled appointment date if the registrant is unable to attend and to give the reason for missing the appointment;

(c) If the registrant fails to report for the first appointment, a second appointment shall be made in accordance with par. (a); and

(d) If the registrant fails to respond to the appointment notices or if the reason for not keeping the appointment is not deemed to be good cause under s. HSS 208.08 (3), the registrant shall be referred back to the income maintenance agency and sanction shall be applied under s. HSS 208.09.

(2) Enrollment of all WEOP registrants shall include an explanation of:

(a) The purpose of WEOP and expectations concerning registrant participation;

(b) The possible job opportunities and training;

(c) The rights and responsibilities of registrants;

(d) The criteria for determining appropriate work and training; and

(e) Initiation of job search activities.

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HSS 208.05 Conditions for not accepting work or training. A WEOP registrant shall accept temporary, permanent, full-time, part-time or seasonal employment or participate in WEOP training activities unless one or more of the following conditions exist in relation to a specific employment or training assignment:

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(1) The registrant is not physically or mentally able to participate in WEOP activities or employment. The WEOP agency may require the registrant to submit written medical verification of the condition;

(2) Participation in WEOP employment, training or activities would require more than one hour travel time one way between the registrant's home and the work, training or activity site using available transportation. Taking children to and from child care is not included in the travel time;

(3) The work site is in violation of federal, state or local health and safety standards;

(4) There is a probable cause finding by the equal rights and labor standards division in Wisconsin's department of industry, labor and human relations or the federal office of civil rights of discrimination against the WEOP registrant because of age, handicap, sex, race, creed, color or national or ethnic origin at the work, training or activity site;

(5) Child care services are necessary for the registrant to participate but needed services are not available;

(6) The job wage does not meet applicable federal or state minimum wage requirements, or the wage rates, hours of work or conditions of employment do not conform to requirements of the federal fair labor standards;

(7) The job is vacant because of a strike, lockout or other bona fide labor dispute;

(8) The job wages of the principal wage earner working 100 or more hours per month, minus the AFDC allowed work-related expenses and insurance premiums not normally paid by the employer, equal less than the AFDC-U grant;

(9) Taking the job would be against the rules of a union to which the registrant belongs; or

(10) The job would interfere with the registrant's expected return to his or her regular job within a short period of time. The registrant may, however, be required to take a temporary job until the regular job resumes.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

HSS 208.06 Employment and training activities. The WEOP agency shall assign each registrant to activities which will help the registrant obtain employment. Activities shall be selected from the following list:

(1) Job search activities for groups or individuals;

(2) Training activities in which the registrant who has participated in WEOP job search activities but was unable to find a job acquires knowledge or skills needed to enhance his or her potential to secure appropriate employment. Training activities include:

(a) Non-classroom training situations in which the primary teaching activity takes place on-the-job through work experience or by means of other types of non-classroom training opportunities; and

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(b) Classroom training situations where the needed skills or knowledge are obtained in a classroom setting which includes skill training in a specific occupational area and basic or remedial education needed to obtain and hold employment and which:

1. Is approved by the WEOP agency manager in accordance with the WEOP training policy;

2. In most cases, lasts no longer than 52 calendar weeks, except training may be approved by the WEOP agency manager for up to 104 calendar weeks in special circumstances; and

3. Provides a transportation allowance, child care expenses and money for tuition, books and supplies when the payments do not duplicate payments received from any other source for the same purpose and when the policies of the WEOP agency regarding attendance and progress have been followed by the registrant;

(3) Vocational counseling for WEOP registrants when needed; and

(4) Subsidized employment in which an employer is reimbursed for part of the wages paid to a newly employed WEOP registrant as specified in a written contract between the WEOP agency and the employer.

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HSS 208.07 Supportive services. Each WEOP agency shall provide or make provision for the following supportive services:

(1) Counseling to identify and resolve personal or family problems which may interfere with the person's ability to participate in WEOP activities or obtain and retain employment;

(2) Child care, if needed, so that the registrant is able to participate in WEOP activities. The WEOP agency shall assist the registrant in arranging payment for child care expenses as follows:

(a) The child care provider chosen by the WEOP registrant may be one who is not required to be licensed by the department or certified by the county;

(b) Actual child care expenses up to the maximum child care deduction permitted by the AFDC program shall be paid to the provider after a bill has been submitted to the WEOP agency when the registrant is participating in an approved WEOP activity; and

(c) WEOP payment of child care expenses may not duplicate payment received from any other source for the same purpose or after child care expenses are budgeted to calculate AFDC benefits; and

(3) Transportation to assigned employment interviews or other approved WEOP activities. WEOP registrants shall be reimbursed for actual expenses incurred while participating in these activities or a lump sum payment shall be made to them for these expenses.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

HSS 208.08 Adjudication. (1) Adjudication action shall be initiated by the WEOP agency when a WEOP registrant refuses to participate in the program. Refusal to participate occurs when:

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(a) The registrant expresses verbally or in writing to WEOP agency staff that he or she refuses to participate; or

(b) The registrant implies refusal to participate when he or she:

1. Fails to appear for employer, WEOP agency or other assigned interviews or activities;

2. Voluntarily leaves appropriate employment or training without good cause as determined under sub.(3);

3. Is discharged from appropriate employment or training for misconduct; or

4. Through some other behavior or action shows that he or she refuses to participate in WEOP activities.

(2) The WEOP agency shall schedule an interview with the WEOP registrant who has refused to participate to determine:

(a) If he or she had good cause as determined under sub. (3) for past incidents of failure to participate; and

(b) If he or she is now willing and able to resume participation in WEOP activities.

(3) Good cause for not participating in an assigned WEOP activity shall be one or more of the conditions in s. HSS 208.05 or any of the following circumstances:

(a) A court-required appearance or temporary incarceration;

(b) Family crisis;

(c) Breakdown in transportation;

(d) Failure to be properly notified of a WEOP activity; or

(e) Any other circumstance beyond the control of the client.

(4) The interview under sub. (2) shall result in one of the following determinations:

(a) The registrant had good cause as determined under sub. (3) and the conditions causing non-participation have been resolved. The resolution of the temporary problems or misunderstandings clear the way for the registrant to resume active WEOP participation;

(b) The registrant had good cause as determined under sub.(3) and the conditions causing non-participation cannot be resolved. The WEOP agency shall refer the registrant back to the income maintenance agency for possible WEOP status re-examination or shall arrange for appropriate supportive services;

(c) The registrant did not have good cause as determined under sub.(3) for past failure to participate but the problems have been resolved or eliminated and there is agreement that the registrant will begin or resume active WEOP participation; or

(d) The registrant did not have good cause under sub. (3) and the problem or problems preventing participation cannot be resolved. This

includes those occasions when the registrant did not keep appointments with the WEOP agency to discuss non-participation issues.

(5) The WEOP agency shall send a written report to the income maintenance agency when a registrant fails to report for enrollment or refuses to participate after enrollment without good cause. The report shall include the specific circumstances of the refusal or failure to participate and the dates of the occurrence. The income maintenance agency shall take appropriate action in accordance with s. HSS 208.09 for failure to participate.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

HSS 208.09 Sanction. (1) Upon receiving written notice from the WEOP agency that a registrant has failed without good cause to participate in the program, the income maintenance agency shall:

(a) Change the WEOP status of the registrant from mandatory to appeal; and

(b) Send written notice to the primary person which specifies:

1. That AFDC benefits are terminated or reduced because the mandatory registrant did not have good cause for failing to participate in WEOP;

2. The beginning date, length of sanction and person or persons in the AFDC group to whom the sanction applies; and

3. That the registrant has the right to apply for a fair hearing in accordance with s. PW-PA 20.18 [HSS 204].

(2) If the registrant does not request a fair hearing or if, after a fair hearing has been held, the hearing officer dismisses the appeal, the income maintenance agency shall:

(a) Deny aid to all persons in an AFDC-U group when the principal wage earner fails to participate in WEOP without good cause; or

(b) Deny aid to any non-exempt primary person or non-exempt dependent child who has failed to participate in WEOP without good cause, but continue to provide aid to each eligible child in the household.

(3) A sanction applied under conditions described in sub.(2) shall be effective:

(a) For 3 calendar months following the first occurrence of non-participation; or

(b) For 6 calendar months following the second and each subsequent occurrence of non-participation.

(4) If the principal wage earner leaves a household during the sanction period, the remaining household members may reapply for aid and not be subject to the same sanction. If the principal wage earner reenters the household, the sanction shall be reinstated beginning in the next possible month and continue for the remaining duration of the sanction period.

(5) The sanction period under sub. (3) shall include the period that aid is denied under sub. (2) and any other period during which the sanc-

tioned AFDC-U group, non-exempt primary person or non-exempt dependent child is ineligible for AFDC.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.